

ORDINANCE NO. 01-9

**AN ORDINANCE
PROVIDING FOR ABSENTEE VOTING
IN THE TOWN OF BRIDGEVILLE**

WHEREAS, the Commissioners of Bridgeville may, by Ordinance, provide for a qualified voter, duly registered, to vote by absentee ballot under certain enumerated circumstances; and

WHEREAS, the Commissioners of Bridgeville are desirous of adopting such an Ordinance providing for absentee balloting.

BE IT ORDAINED by the Commissioners of Bridgeville;

Section 1. Casting of Ballot Permitted. Any qualified voter of the Town of Bridgeville who shall be unable to appear to cast his ballot at any municipal election at the regular polling place in the Town of Bridgeville for any of the following reasons shall be entitled to cast an absentee ballot and to have his vote counted:

A. Because such person is in the public service of the United States or of this State.

B. Because of the nature of such person's business or occupation.

C. Because such person is sick or has a physical disability.

D. Because such person will be unavoidably absent on the day of the election.

E. Because such person is absent while on vacation.

Section 2. Affidavit Required. Any voter desiring to obtain an absentee ballot because of any of the reasons set forth in Section 1 of this chapter shall file or cause to be filed with the Town Secretary an Affidavit, subscribed and sworn to before an officer authorized to administer oaths, and dated not earlier than thirty (30) days nor less than the day before the next ensuing election setting forth the reason why such person needs to vote by absentee ballot. Such Affidavit shall be filed with the Town Secretary not later than 12:00 noon, prevailing time, on the day immediately preceding the day of the next ensuing election before the Town Secretary shall mail or deliver to the voter the official ballot.

Section 3. Mailing or Delivery of Official Ballot by Town Secretary. Upon receipt from a voter of the Affidavit as required by the provisions of Section 4 of this

1 chapter, the Town Secretary, nor more than thirty (30) days nor less than one (1) day
2 prior to the annual municipal election and within three (3) days after the ballots,
3 envelopes and instructions for absentee voters become available, shall mail to the voter,
4 postage prepaid, or deliver personally to the voter an official ballot enclosed in an official
5 envelope and a copy of the instructions to absentee voters. Nothing contained in this
6 section shall prevent the issuance of an absentee ballot to those lawfully entitled thereto
7 prior to 12:00 noon, prevailing time, on the day prior to the election.

8 Section 4. Form of Affidavit. Each applicant for an absentee ballot shall file an
9 affidavit in substantially the following form:

10 "I do solemnly swear (affirm) that I am a resident of the Town of
11 Bridgeville and have resided there at least ____ years preceding the day of the
12 election in which this ballot is to be voted; and my local address is
13 _____, in Bridgeville.

14
15 That I will be absent from the Town of Bridgeville on the day of the
16 election because of () being in the Armed Forces of the United States, ()
17 public service of this State,
18 () nature of my business or occupation, () sickness or physical
19 disability, () vacation and absence from the Town, and for the reason
20 indicated, I cannot appear at the polling place of the Town of Bridgeville in which
21 I am a qualified voter and for the reason indicated I request an absentee ballot.

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24
25 _____
26 Signature of Voter

27
28 SWORN TO AND SUBSCRIBED, before me, this _____ day of

29 _____, _____.
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Notary Public

Section 5 Responsibility of Town Secretary. Upon receipt by the Town Secretary of the Affidavit in substantially the form set forth in Section 4 of this Section, the Town Secretary shall deliver or mail with postage prepared to the voter who has applied for absentee ballot an Official Ballot and an Official Envelope. There shall be printed on the face of the Official Envelope an Affidavit in substantially the following form:

“I do solemnly swear (affirm) that I am a resident of the Town of Bridgeville and that my local address is _____, in Bridgeville.

I do solemnly swear (affirm) that I have not received nor accepted nor have I offered to receive or accept, paid or transferred or delivered or offered or promised to pay, transfer or deliver or contributed or offered to promise to contribute to another to be paid or used any money or other valuable thing such as compensation , inducement or reward for the fixing or withholding of this vote at this election.

I do solemnly swear (affirm) that I mark my ballot in secret.

Signature of Voter

SWORN TO AND SUBSCRIBED before me, this ____ day of _____,

Notary Public

1 Section 6. Procedure by Voter upon Receiving Ballot. The absentee voter shall
2 make and subscribe to the Affidavit printed on the Official Envelope before an Officer
3 authorized by law to administer oaths, and such voter shall thereupon mark his ballot in
4 such a manner that the officer cannot know how the ballot is marked, and the ballot shall
5 then and in the presence of the officer be deposited by the voter in the Official Envelope
6 and securely sealed. Thereupon, the Official Envelope containing the marked ballot shall
7 be delivered to the Town Secretary or mailed to the Town Secretary with postage
8 prepaid. In either case, the ballot must be received by the Town Administrator before
9 the close of business on the day immediately preceding the day of the election and not
10 thereafter.

11 Section 7. Ballot Received after Required Time. Any absentee ballot received by
12 the Town Administrator after the close of business on the day before the election shall
13 not be forwarded to the Board of Elections, but the Town Secretary shall endorse on the
14 Official Envelope containing such ballot the time such was received and shall retain all
15 such ballots unopened and so endorsed until the last day of May next after the election
16 and longer if directed to do so by property authority.

17 Section 8. Procedure by Officials upon Receiving Ballot. Upon receipt of the
18 Official Envelope from the absentee voter, the Town Secretary shall forthwith enclose the
19 Official Envelope as received by him and unopened in a special carrier envelope, the
20 Town Secretary having first written his usual signature on the special carrier envelope.
21 The Town Secretary shall forthwith securely seal the special carrier envelope. The Town
22 secretary shall forthwith securely seal the special carrier envelope, and in ink the Town
23 Secretary shall write his full name thereon in the proper place as indicated in this chapter
24 and shall securely keep the same in his office until delivered as required in this
25 Ordinance. Neither the President nor any member of the Town Council nor any other
26 person shall open or attempt to open the Official Envelope containing the ballot of the
27 absentee voter or to change or alter, or attempt to do so, the envelope or any writing,
28 printing or anything whatsoever thereon.

29 Section 9. Delivery of Ballot to Election Board. When an absentee voter's ballot
30 is received by the Town Secretary, the Official Envelope containing the marked ballot,
31 sealed in the special carrier envelope of the Commissioners of Bridgeville, shall be

1 enclosed and sealed in a package and safely kept in his office until the day of the election
2 and delivered to the Election Board after the opening of the polls on the election and at
3 least one (1) hour before the closing of the polls. The Town Secretary shall deliver all
4 such absentee voter's ballots separately enclosed in a special carrier envelope to the
5 Election Board at the polls taking their seat as the Election Board for the delivery of such
6 a ballot or ballots.

7 Section 10. Refusal of Ballot by Election Board. The Election Board shall refuse
8 to receive any absentee voter's ballot from any person other than the Town Secretary or a
9 duly authorized agent of the Town Secretary and shall receive no other ballots other than
10 those ballots enclosed in the sealed package delivered by the Town Secretary to the
11 Election Board and shall refuse to receive an act upon any such ballot that is not enclosed
12 in an envelope bearing the signature, in ink, of the Town Secretary as required by this
13 Ordinance.

14 Section 11. Procedure by Inspector upon Receiving Ballot. At any time between
15 the opening and closing of the polls on the day of the election, the inspector shall open
16 the package delivered by the Town Secretary and ascertain the name of the absentee voter
17 as appears by the executed Affidavit of the absentee voter on the Official Envelope
18 enclosing the market ballot; whereupon he shall announce the absentee voter's name for
19 the purpose of challenging and upon the determination that such person is a duly
20 qualified voter of the Town of Bridgeville and that such person has not voted in person at
21 the election, he shall open the Official Envelope containing such absentee voter's ballot
22 in such a manner as not to deface or destroy the number thereof of the Affidavit thereon
23 and shall take therefrom the Official Ballot. The Election Board shall enter the name and
24 address of the absentee voter on the poll list. The ballot shall then be voted by depositing
25 same in the ballot box provided for receipt of absentee ballots, and the proper notations of
26 such vote shall then be recorded in the election records in the same manner as if the voter
27 had appeared to cast his vote in person. All Official Envelopes from which ballots have
28 been taken and voted and all Official Envelopes containing ballots which have been
29 rejected or endorsed as provided by this chapter shall be preserved by the Election Board,
30 and the close of the count shall be locked in the ballot box.

1 Section 12. Vote Challenged. The vote of any absentee voter may be challenged
2 for cause and further the vote of any absentee voter may be challenged on the ground that
3 the Affidavit filed by the voter in accordance with the provisions of this ordinance is false
4 or that the voter who was allegedly absent from the Town of Bridgeville was not absent
5 from the Town of Bridgeville for the entire time that the polls were open on the day of
6 the election. Upon challenge, proceedings shall be as in the case of other challenges.

7 Section 13. Rejection of Votes; Death of Voter. In case the Affidavit of the
8 absentee voter is found to be insufficient of the absentee voter is not a duly qualified
9 voter of the Town of Bridgeville or the Official Envelope is opened or has been open⁴ed
10 and resealed or it is evident that the Official Envelope has been tampered with or altered
11 or such ballot has been forwarded to the polls by someone other than the Town Secretary
12 of this duly authorized agent, such vote shall not be accepted or counted. If the Official
13 Envelope has not been opened at the time the Election Board decides that the altered
14 ballot contained therein should be rejected for any of the foregoing reasons, it shall not be
15 opened by the Election Board, but they shall endorse thereon "rejected" (giving the
16 reason therefore) and that the Official Envelope has been opened and the ballot rejected;
17 the Official Envelope containing the ballot shall be replaced in the same carrier envelope
18 from which it was taken and the election officer shall endorse on that envelope "rejected"
19 (giving the reason therefore). Whenever it is made to appear by due proof to the Election
20 Board that any absentee voter who has marked and forwarded his ballot has died, the
21 Official Envelope containing the ballot shall not be opened, but shall be marked
22 "rejected, dead" and shall be preserved and disposed of as other rejected ballots.

23 Section 14. Register of Absentee Voters. The Commissioners of Bridgeville
24 shall cause to be provided a Register of Absentee Voters, providing for the following
25 entries:

26 "Request received from _____ of
27 _____, by mail _____ in person; ballot and
28 Official Envelope number _____, mailed to applicant on _____ or
29 ballot and official envelope delivered to _____, of
30 _____; marked ballot sealed in package of official ballots;
31 marked ballot forwarded to polls _____;"

1
2 and such other entries as the Commissioners of Bridgeville shall deem proper to prevent
3 fraud and to make possible the tracing and detection of any attempt to do so. The
4 Commissioners of Bridgeville shall also provide a space in the Register and shall note
5 thereon the date on which the Town Secretary receives the Affidavit requesting an
6 Official Ballot as provided by this ordinance. The Town Secretary shall compile from
7 the Register a list of names and addresses of all applicants for absentee ballots and shall
8 send current and complete copies thereof, without cost, to all candidates on the ballot in
9 the forthcoming election. Such list shall be made available to the candidates during the
10 two (2) weeks before the election, such information to be recorded by the candidates
11 from the daily records of the Town Secretary with the cooperation and assistance of the
12 Town Secretary.

13 Section 15. Effective Date. This ordinance shall become effective upon its
14 adoption by a majority of the members elected to the Commission.

15
16 COMMISSIONERS OF BRIDGEVILLE

17
18 By: Joseph R. Conway

19
20 ATTEST: Margaret W. Sipple

21
22 Adopted: 11/12/01

TOWN OF BRIDGEVILLE

**ANNEXATION ELECTION
SATURDAY, OCTOBER 19, 2002
POLLS OPEN: 10:00 AM - 2:00 PM**

INSTRUCTIONS FOR ABSENTEE BALLOTS

1. Mark Ballot.
2. Place Ballot in **ABSENTEE BALLOT ENVELOPE**. (Do Not Seal)
3. Place **ABSENTEE BALLOT ENVELOPE** in the numbered **VOUCHER ENVELOPE**. Sign and date this envelope. Seal Voucher Envelope.
4. Place Voucher Envelope in **OFFICIAL ELECTION BALLOT ENVELOPE** and return promptly.

Any person making a false affidavit shall be guilty of perjury, and upon conviction, shall be punished in such cases as provided by law.

Any person who shall fraudulently sign the name of a voter on any affidavit on any voucher envelope shall be guilty of forgery, and upon conviction therefore, shall be punished for such crime as provided by law.

Any person who is voting or attempting to vote by himself or herself, or any other person, pursuant to the provisions of the absentee ballot law, violates any of the laws of this State enacted to secure the secrecy and independence of the voter, preserve the freedom and purity of the elections and prevent fraud, corruption and intimidation, shall be punished as provided by law.

All absentee ballots must be received by the Town Secretary before the close of business on the day immediately preceding the day of the election and NOT thereafter.

COMMISSIONERS OF BRIDGEVILLE

TOWN OF BRIDGEVILLE

ABSENTEE BALLOT

ANNEXATION REFERENDUM-OCTOBER 19, 2002

BALLOTS CAST WILL BE FOR OR AGAINST THE ANNEXATION OF SEVERAL PARCELS CONTIGUOUS TO THE TOWN OF BRIDGEVILLE. PLACE AN "X" BY YOUR CHOICE. MARK ONLY ONE SPACE.

_____ FOR THE PROPOSED ANNEXATION

_____ AGAINST THE PROPOSED ANNEXATION

ABSENTEE BALLOTS MUST BE RECEIVED IN THE TOWN OFFICE BY THE
END OF THE BUSINESS DAY ON OCTOBER 18, 2002.

TOWN OF BRIDGEVILLE
COMMISSION ELECTION
SATURDAY, JANUARY 12, 2002
POLLS OPEN: 12 NOON - 7:00 PM

INSTRUCTIONS FOR ABSENTEE BALLOTS

1. Mark Ballot.
2. Place Ballot in **ABSENTEE BALLOT ENVELOPE**. (Do Not Seal)
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All absentee ballots must be received by the Town Secretary before the close of business on the day immediately preceding the day of the election and NOT thereafter.

foral
10:25 AM
10/23/01
af



TOWN OF BRIDGEVILLE

101 North Main Street
Bridgeville, DE 19933

302-337-7135
Fax 302-337-7817

Waste Water
Treatment Plant
302-337-7843

Date: October 23, 2001

To: Seaford Leader
Legal Notices

From: Alma Fleetwood *af*

Please run the following notice in the paper the week of November 5, 2001. Bill the Town as usual. If you have any questions, please do not hesitate to call me.

The Commissioners of Bridgeville, De. will hold the second reading and vote on Ordinance #01-9: AN ORDINANCE PROVIDING FOR ABSENTEE VOTING IN THE TOWN OF BRIDGEVILLE, at their regular meeting on Monday, November 12, 2001 at 7:00 PM in the Town Hall, 101 N. Main Street, Bridgeville, De.

Joseph T. Conaway
President
Bridgeville Commissioners